

Introduced by Senator Hancock

February 11, 2015

An act to amend Section 47605 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as introduced, Hancock. Charter schools: pupils no longer attending.

Existing law requires a charter school, if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, to notify the superintendent of the school district of the pupil's last known address within 30 days, and to, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. Existing law provides that these provisions apply only to pupils subject to compulsory full-time education.

This bill would instead require a charter school, if a pupil is expelled, is dismissed, or leaves the charter school without graduating or completing the school year for any reason, to notify the superintendent of the school district of the pupil's last known address, and the superintendent of the school district within the jurisdiction the charter school is located, within 30 calendar days, and to, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. The bill would also delete the provision that made these provisions applicable only to pupils subject to compulsory full-time education. To the extent this bill would require a higher level of service from charter school officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47605 of the Education Code is amended
2 to read:
3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within a school district
5 may be circulated by one or more persons seeking to establish the
6 charter school. A petition for the establishment of a charter school
7 shall identify a single charter school that will operate within the
8 geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district,
10 as long as each location is identified in the charter school petition.
11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions is met:
13 (A) The petition is signed by a number of parents or legal
14 guardians of pupils that is equivalent to at least one-half of the
15 number of pupils that the charter school estimates will enroll in
16 the school for its first year of operation.
17 (B) The petition is signed by a number of teachers that is
18 equivalent to at least one-half of the number of teachers that the
19 charter school estimates will be employed at the school during its
20 first year of operation.
21 (2) A petition that proposes to convert an existing public school
22 to a charter school that would not be eligible for a loan pursuant
23 to subdivision ~~(b)~~ (c) of Section 41365 may be circulated by one
24 or more persons seeking to establish the charter school. The petition
25 may be submitted to the governing board of the school district for
26 review after the petition is signed by not less than 50 percent of
27 the permanent status teachers currently employed at the public
28 school to be converted.

1 (3) A petition shall include a prominent statement that a
2 signature on the petition means that the parent or legal guardian
3 is meaningfully interested in having his or her child or ward attend
4 the charter school, or in the case of a teacher's signature, means
5 that the teacher is meaningfully interested in teaching at the charter
6 school. The proposed charter shall be attached to the petition.

7 (4) After receiving approval of its petition, a charter school that
8 proposes to establish operations at one or more additional sites
9 shall request a material revision to its charter and shall notify the
10 authority that granted its charter of those additional locations. The
11 authority that granted its charter shall consider whether to approve
12 those additional locations at an open, public meeting. If the
13 additional locations are approved, they shall be a material revision
14 to the charter school's charter.

15 (5) A charter school that is unable to locate within the
16 jurisdiction of the chartering school district may establish one site
17 outside the boundaries of the school district, but within the county
18 in which that school district is located, if the school district within
19 the jurisdiction of which the charter school proposes to operate is
20 notified in advance of the charter petition approval, the county
21 superintendent of schools and the Superintendent are notified of
22 the location of the charter school before it commences operations,
23 and either of the following circumstances exists:

24 (A) The school has attempted to locate a single site or facility
25 to house the entire program, but a site or facility is unavailable in
26 the area in which the school chooses to locate.

27 (B) The site is needed for temporary use during a construction
28 or expansion project.

29 (6) Commencing January 1, 2003, a petition to establish a charter
30 school ~~may~~ *shall* not be approved to serve pupils in a grade level
31 that is not served by the school district of the governing board
32 considering the petition, unless the petition proposes to serve pupils
33 in all of the grade levels served by that school district.

34 (b) No later than 30 days after receiving a petition, in accordance
35 with subdivision (a), the governing board of the school district
36 shall hold a public hearing on the provisions of the charter, at
37 which time the governing board of the school district shall consider
38 the level of support for the petition by teachers employed by the
39 *school* district, other employees of the *school* district, and parents.
40 Following review of the petition and the public hearing, the

governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that *the* establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) A description of the educational program of the *charter* school, designed, among other things, to identify those whom the *charter* school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the

1 school priorities, and the specific annual actions to achieve those
2 goals.

3 (iii) If the proposed *charter* school will serve high school pupils,
4 a description of the manner in which the charter school will inform
5 parents about the transferability of courses to other public high
6 schools and the eligibility of courses to meet college entrance
7 requirements. Courses offered by the charter school that are
8 accredited by the Western Association of Schools and Colleges
9 may be considered transferable and courses approved by the
10 University of California or the California State University as
11 creditable under the “A” to “G” admissions criteria may be
12 considered to meet college entrance requirements.

13 (B) The measurable pupil outcomes identified for use by the
14 charter school. “Pupil outcomes,” for purposes of this part, means
15 the extent to which all pupils of the *charter* school demonstrate
16 that they have attained the skills, knowledge, and attitudes specified
17 as goals in the *charter* school’s educational program. Pupil
18 outcomes shall include outcomes that address increases in pupil
19 academic achievement both schoolwide and for all groups of pupils
20 served by the charter school, as that term is defined in subparagraph
21 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
22 outcomes shall align with the state priorities, as described in
23 subdivision (d) of Section 52060, that apply for the grade levels
24 served, or the nature of the program operated, by the charter school.

25 (C) The method by which pupil progress in meeting those pupil
26 outcomes is to be measured. To the extent practicable, the method
27 for measuring pupil outcomes for state priorities shall be consistent
28 with the way information is reported on a school accountability
29 report card.

30 (D) The governance structure of the *charter* school, including,
31 but not limited to, the process to be followed by the *charter* school
32 to ensure parental involvement.

33 (E) The qualifications to be met by individuals to be employed
34 by the *charter* school.

35 (F) The procedures that the *charter* school will follow to ensure
36 the health and safety of pupils and staff. These procedures shall
37 include the requirement that each employee of the *charter* school
38 furnish ~~the school~~ *it* with a criminal record summary as described
39 in Section 44237.

1 (G) The means by which the *charter* school will achieve a racial
2 and ethnic balance among its pupils that is reflective of the general
3 population residing within the territorial jurisdiction of the school
4 district to which the charter petition is submitted.

5 (H) Admission requirements, if applicable.

6 (I) The manner in which annual, independent financial audits
7 shall be conducted, which shall employ generally accepted
8 accounting principles, and the manner in which audit exceptions
9 and deficiencies shall be resolved to the satisfaction of the
10 chartering authority.

11 (J) The procedures by which pupils can be suspended or
12 expelled.

13 (K) The manner by which staff members of the charter schools
14 will be covered by the State Teachers' Retirement System, the
15 Public Employees' Retirement System, or federal social security.

16 (L) The public school attendance alternatives for pupils residing
17 within the school district who choose not to attend charter schools.

18 (M) A description of the rights of ~~any~~ *an* employee of the school
19 district upon leaving the employment of the school district to work
20 in a charter school, and of any rights of return to the school district
21 after employment at a charter school.

22 (N) The procedures to be followed by the charter school and
23 the entity granting the charter to resolve disputes relating to
24 provisions of the charter.

25 (O) A declaration *of* whether or not the charter school shall be
26 deemed the exclusive public school employer of the employees of
27 the charter school for purposes of Chapter 10.7 (commencing with
28 Section 3540) of Division 4 of Title 1 of the Government Code.

29 (P) A description of the procedures to be used if the charter
30 school closes. The procedures shall ensure a final audit of the
31 *charter* school to determine the disposition of all assets and
32 liabilities of the charter school, including plans for disposing of
33 any net assets and for the maintenance and transfer of pupil records.

34 (c) (1) Charter schools shall meet all statewide standards and
35 conduct the pupil assessments required pursuant to Sections 60605
36 and 60851 and any other statewide standards authorized in statute
37 or pupil assessments applicable to pupils in noncharter public
38 schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the *charter* school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against ~~any a~~ pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the *charter* school.

(B) If the number of pupils who wish to attend the charter school exceeds the *charter* school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the *school* district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is ~~expelled~~ *expelled, is dismissed*, or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known ~~address~~ *address, and the superintendent of the school district within the jurisdiction the charter school is located*, within 30 calendar days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. ~~This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.~~

1 (e) The governing board of a school district shall not require
2 ~~any~~ *an* employee of the school district to be employed in a charter
3 school.

4 (f) The governing board of a school district shall not require
5 ~~any~~ *a* pupil enrolled in the school district to attend a charter school.

6 (g) The governing board of a school district shall require that
7 the petitioner or petitioners provide information regarding the
8 proposed operation and potential effects of the *charter* school,
9 including, but not limited to, the facilities to be used by the *charter*
10 school, the manner in which administrative services of the *charter*
11 school are to be provided, and potential civil liability effects, if
12 any, upon the *charter* school and upon the school district. The
13 description of the facilities to be used by the charter school shall
14 specify where the *charter* school intends to locate. The petitioner
15 or petitioners *also* shall ~~also~~ be required to provide financial
16 statements that include a proposed first-year operational budget,
17 including startup costs, and cashflow and financial projections for
18 the first three years of operation.

19 (h) In reviewing petitions for the establishment of charter
20 schools within the school district, the governing board of the school
21 district shall give preference to petitions that demonstrate the
22 capability to provide comprehensive learning experiences to pupils
23 identified by the petitioner or petitioners as academically low
24 achieving pursuant to the standards established by the department
25 under Section 54032, as it read before July 19, 2006.

26 (i) Upon the approval of the petition by the governing board of
27 the school district, the petitioner or petitioners shall provide written
28 notice of that approval, including a copy of the petition, to the
29 applicable county superintendent of schools, the department, and
30 the state board.

31 (j) (1) If the governing board of a school district denies a
32 petition, the petitioner may elect to submit the petition for the
33 establishment of a charter school to the county board of education.
34 The county board of education shall review the petition pursuant
35 to subdivision (b). If the petitioner elects to submit a petition for
36 establishment of a charter school to the county board of education
37 and the county board of education denies the petition, the petitioner
38 may file a petition for establishment of a charter school with the
39 state board, and the state board may approve the petition, in
40 accordance with subdivision (b). A charter school that receives

1 approval of its petition from a county board of education or from
2 the state board on appeal shall be subject to the same requirements
3 concerning geographic location to which it would otherwise be
4 subject if it received approval from the entity to which it originally
5 submitted its petition. A charter petition that is submitted to either
6 a county board of education or to the state board shall meet all
7 otherwise applicable petition requirements, including the
8 identification of the proposed site or sites where the charter school
9 will operate.

10 (2) In assuming its role as a chartering agency, the state board
11 shall develop criteria to be used for the review and approval of
12 charter school petitions presented to the state board. The criteria
13 shall address all elements required for charter approval, as
14 identified in subdivision (b), and shall define “reasonably
15 ~~comprehensive~~” *comprehensive*,” as used in paragraph (5) of
16 subdivision ~~(b)~~ (b), in a way that is consistent with the intent of
17 this part. Upon satisfactory completion of the criteria, the state
18 board shall adopt the criteria on or before June 30, 2001.

19 (3) A charter school for which a charter is granted by either the
20 county board of education or the state board based on an appeal
21 pursuant to this subdivision shall qualify fully as a charter school
22 for all funding and other purposes of this part.

23 (4) If either the county board of education or the state board
24 fails to act on a petition within 120 days of receipt, the decision
25 of the governing board of the school district to deny a petition
26 ~~shall, thereafter,~~ *shall* be subject to judicial review.

27 (5) The state board shall adopt regulations implementing this
28 subdivision.

29 (6) Upon the approval of the petition by the county board of
30 education, the petitioner or petitioners shall provide written notice
31 of that approval, including a copy of the petition to the department
32 and the state board.

33 (k) (1) The state board may, by mutual agreement, designate
34 its supervisory and oversight responsibilities for a charter school
35 approved by the state board to any local educational agency in the
36 county in which the charter school is located or to the governing
37 board of the school district that first denied the petition.

38 (2) The designated local educational agency shall have all
39 monitoring and supervising authority of a chartering agency,
40 including, but not limited to, powers and duties set forth in Section

1 47607, except the power of revocation, which shall remain with
2 the state board.

3 (3) A charter school that is granted its charter through an appeal
4 to the state board and elects to seek renewal of its charter shall,
5 before expiration of the charter, submit its petition for renewal to
6 the governing board of the school district that initially denied the
7 charter. If the governing board of the school district denies the
8 *charter* school's petition for renewal, the *charter* school may
9 petition the state board for renewal of its charter.

10 (l) Teachers in charter schools shall hold a Commission on
11 Teacher Credentialing certificate, permit, or other document
12 equivalent to that which a teacher in other public schools would
13 be required to hold. These documents shall be maintained on file
14 at the charter school and are subject to periodic inspection by the
15 chartering authority. It is the intent of the Legislature that charter
16 schools be given flexibility with regard to noncore, noncollege
17 preparatory courses.

18 (m) A charter school shall transmit a copy of its annual,
19 independent financial audit report for the preceding fiscal year, as
20 described in subparagraph (I) of paragraph (5) of subdivision (b),
21 to its chartering entity, the Controller, the county superintendent
22 of schools of the county in which the charter school is sited, unless
23 the county board of education of the county in which the charter
24 school is sited is the chartering entity, and the department by
25 December 15 of each year. This subdivision does not apply if the
26 audit of the charter school is encompassed in the audit of the
27 chartering entity pursuant to Section 41020.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.